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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/424,181      | 11/10/1999  | Snezna Rogelj        | UNME-0054-1         | 7645             |

7590 02/25/2002

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EXAMINER

LUKTON, DAVID

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1653     |              |

DATE MAILED: 02/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                               |
|------------------------------|--------------------------------------|-------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>09/424,181</b> | Applicant(s)<br><b>Rogelj</b> |
|                              | Examiner<br><b>David Lukton</b>      | Art Unit<br><b>1653</b>       |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Feb 1, 2002.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-35 is/are pending in the application.

4a) Of the above, claim(s) 9, 10, and 12-35 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8 and 11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some\* c) None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

Pursuant to paper No. 15 (filed 2/1/02) applicants have attempted to comply with the "election of species" requirement, by electing two species (a compound according to claim 2 wherein R is hydrogen and R' is CH<sub>2</sub>-CH<sub>2</sub>-SO<sub>3</sub>-Na; and a compound according to claim 8 wherein R, R' and R" are each methyl). This response can be viewed as non-compliant, since only one "specie" was sought. Nevertheless, the issue will not be pressed further. Claims 1-8 and 11 are examined in part; claims 9, 10, 12-35 are withdrawn from consideration.

\*

The specification is objected to. Amendment of the specification to recite the appropriate "SEQ ID NO:" is required. See, for example, the sequence at page 6, line 20.

\*

The following is a quotation of the appropriate paragraphs of 35 U.S.C §102 that form the basis for the rejections under this section made in this action.

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2) and (4) of section 371(c) of this title

before the invention thereof by the applicant for the patent.

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Braxton (U.S.P. 5,798,249).

Braxton discloses (col 5, line 18) that anti- PDIH antibodies are useful for inhibiting PDIH.

Thus, the claim is anticipated.

\*

Claim 1 is rejected under 35 U.S.C. §102(a) as being anticipated by Chandrashekhar (USP 6,309,644).

Chandrashekhar discloses (e.g., table 17, col 51) that the compound MDC (mono-dansyl-cadaverine) inhibits PDI.

Thus, the claim is anticipated.

\*

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton. Phone: (703) 308-3213.

An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



DAVID LUKTON  
PATENT EXAMINER  
GROUP 1600